

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FREE SPEECH COALITION, INC. et al.,	)	Civil Action No. 2:09-4607
)	
Plaintiffs,	)	Judge Michael M. Baylson
)	
v.)	
	)	PLAINTIFF BARBARA ALPER'S
THE HONORABLE ERIC H. HOLDER, JR.,	)	ANSWERS AND RESPONSES
Attorney General,	)	TO DEFENDANT'S FIRST
	)	SET OF INTERROGATORIES AND
Defendant.	)	REQUESTS FOR PRODUCTION

I. INTERROGATORIES

Pursuant to Fed. R. Civ. P. 33, each plaintiff is hereby requested to answer, separately from other plaintiffs (or to the extent all plaintiffs' answers to any Interrogatory are identical, separately signed and sworn), each of the following interrogatories separately and fully in writing under oath, and to provide responses by electronic mail to defendant's undersigned counsel by the applicable deadline. If any interrogatory cannot be answered fully, it should be answered to the extent possible, with the reasons explained for not answering more fully. In responding to these interrogatories, type out each question before your answer.

INTERROGATORY NO. 1: Identify by full name, all aliases, address, telephone number, e-mail address, and website URL each person who provided information used or relied on in responding to these Interrogatories.

ANSWER:

Barbara H. Alper
535 W 110th St., #7D
New York NY 10025
212-316-6518
barbara@barbaraalper.com (or: balper.nyc@gmail.com)
www.barbaraalper.com
with the assistance of counsel

INTERROGATORY NO. 9: If you (and/or, for an organizational plaintiff, your members) have produced visual depictions of actual or simulated sexually-explicit conduct subject to the requirements of 18 U.S.C. §§ 2257 or 2257A that portray persons in any of the following age groups engaged in actual or simulated sexually-explicit conduct, identify for each such age group whether the total number of such depictions (where each film, videotape, photograph, or digital image constitutes a single depiction but not including multiple copies, duplicates, scenes within a single film or video, or edited or reformatted versions of the same depiction) is (a) greater than zero, (b) greater than five, (c) greater than ten, (d) greater than twenty, (e) greater than fifty, (f) greater than one hundred, or (g) greater than one thousand.

i. 18-25

ii. 26-35

iii. 36-45

iv. 46-55

v. 56-65

vi. over 65

ANSWER: Objection. This interrogatory is vague and unduly burdensome. I do not have information available to answer this interrogatory. See answer to Interrogatory No. 5 and 7.

INTERROGATORY NO. 10: With respect to each statutory and/or regulatory requirement of 18 U.S.C. §§ 2257 or 2257A or their implementing regulations (identified by specific subsection, or by section if the section contains no subsections) that you contend either is not narrowly tailored as

applied to you (and/or, for an organizational plaintiff, your members) or is overbroad, state, per such requirement, each and every fact upon which you rely to support your contention.

ANSWER: The recordkeeping and labeling requirements and penalty provision of 18 U.S.C. § 2257 (a)-(f); (i); the recordkeeping and labeling requirements and penalty provision of 18 U.S.C. § 2257A (a)-(f); (i) and 28 C.F.R. §§ 75.2, 75.3, 75.4, 75.5, 75.6, 75.8 implementing the statutory recordkeeping, labeling, and inspection requirements are not narrowly tailored, are overbroad and impose unconstitutional burdens on my expression.

I plan to publish a book of my body of work that depicts actual and simulated sexually explicit conduct and candid display of the genitals by mature adults. I want to include photographs taken prior to July 3, 1995 with new erotic photographs of adults. Because I want to create a book that spans my complete body of work, both pre-July 3, 1995 photographs and post-July 3, 1995 photographs, I am required to obtain records from the persons depicted in my pre-July 3, 1995 photos in order to publish my book. I am simply unable to locate and obtain photo identification from the models depicted in work I produced 30 years ago and for photos I took many years ago in Thailand and London. And even if I were able to track down some of those individuals, they might well be expected to refuse to provide me with photo identification documents to be made available for inspection by the government. I, therefore, cannot publish a compilation of my work that includes these photographs with current photographs of sexual conduct because I am unable to comply with the record keeping requirements for my earlier work. I also am encumbered by the record keeping and labeling requirements in creating new photographs and am concerned that the record keeping and labeling provisions will discourage a publisher from publishing my work. Since I work from my home, I would also be subject to warrantless searches of the records in my home as part of the statutory and regulatory inspection regime. The statutes and regulations are not narrowly tailored to advance an interest in protecting children but as applied to my work, restrict protected expression depicting adults.

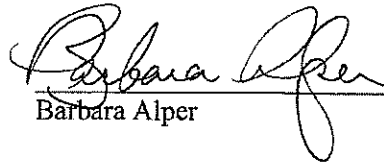
Also, the statutes and regulations impose their burdens on a vast amount of protected expression depicting mature adults that is in no way associated with child pornography. See answer to Interrogatory No. 12.

I reserve the right to supplement my answer with additional facts as discovery progresses.

DECLARATION

I, Barbara Alper, declare under penalty of perjury that I have read the answers to Defendant Holder's First Set of Interrogatories and that the answers are true as I verily believe.

10/1/12
DATE


Barbara Alper

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FREE SPEECH COALITION, INC. et al.,	)	Civil Action No. 2:09-4607
)	
Plaintiffs,	)	Judge Michael M. Baylson
)	
v.)	
	)	PLAINTIFF AMERICAN SOCIETY OF
THE HONORABLE ERIC H. HOLDER, JR.,	)	MEDIA PHOTOGRAPHERS' ANSWERS
Attorney General,	)	AND RESPONSES TO DEFENDANT'S
	)	FIRST SET OF INTERROGATORIES
Defendant.	)	AND REQUESTS FOR PRODUCTION

I. INTERROGATORIES

Pursuant to Fed. R. Civ. P. 33, each plaintiff is hereby requested to answer, separately from other plaintiffs (or to the extent all plaintiffs' answers to any Interrogatory are identical, separately signed and sworn), each of the following interrogatories separately and fully in writing under oath, and to provide responses by electronic mail to defendant's undersigned counsel by the applicable deadline. If any interrogatory cannot be answered fully, it should be answered to the extent possible, with the reasons explained for not answering more fully. In responding to these interrogatories, type out each question before your answer.

INTERROGATORY NO. 1: Identify by full name, all aliases, address, telephone number, e-mail address, and website URL each person who provided information used or relied on in responding to these Interrogatories.

ANSWER: Victor Perlman
150 North Second Street
Philadelphia, Pennsylvania 19106
(215) 451-ASMP, ext. 207
perlman@asmp.org
asmp.org
with the assistance of counsel

INTERROGATORY NO. 2: Identify by full name, all aliases, address, telephone number, e-mail address, and website URL each person whom you intend to call as a witness at any evidentiary proceeding or trial held in the above-captioned matter, including all plaintiffs and expert witnesses you intend to call.

ANSWER: Objection. As counsel discussed on September 24, 2012, this interrogatory is premature. Plaintiffs have not yet determined who they will call as witnesses at any evidentiary proceeding or trial. They will provide this information once discovery is complete and in compliance with the discovery scheduling order, the court's standing order, and the applicable rules of procedure.

INTERROGATORY NO. 3: For each person identified in Interrogatory Number 2, describe in detail the expected content and nature of the person's testimony, and state the likelihood that the person will testify.

ANSWER: See answer to Interrogatory No. 2.

INTERROGATORY NO. 4: Identify by title, date, publisher, distributor, location, and URL all documents and electronically stored information, including webpages, you intend to introduce as evidence in this litigation.

ANSWER: Objection. As counsel discussed on September 24, 2012, this interrogatory is premature. Plaintiffs have not yet determined what documents they intend to introduce at any evidentiary proceeding or trial. They will provide this information once discovery is complete and in compliance with the discovery scheduling order, the court's standing order, and the applicable rules of procedure.

INTERROGATORY NO. 5: If you contend that you (and/or, for an organizational plaintiff, any of your members) are a primary producer of one or more matters containing visual depictions of actual or simulated sexually-explicit conduct subject to the requirements of 18 U.S.C. §§ 2257 or 2257A,

identify by title, date of creation, date of publication, publisher, URL, distributor, and location a representative sample of ten such matters containing such visual depictions that you and/or your members have produced (or, if the total number that you and/or your members have produced is less than ten, all such matters containing such visual depictions that you and/or your members have produced) and state whether the sexually-explicit conduct in the depictions in each of these matters was actual or simulated or both.

ANSWER: See <http://www.moreystudio.com/> created by Craig Morey

Additionally, Barbara Alper is a member of ASMP and the photos identified in her response to Interrogatory No. 5 are representative samples of ASMP's members' work.

ASMP reserves its right to supplement its answer with additional samples as discovery progresses.

INTERROGATORY NO. 6: If you contend that 18 U.S.C. §§ 2257, 2257A, and/or their implementing regulations are not narrowly tailored as applied to you (and/or, for an organizational plaintiff, your members), or are overbroad, identify, per contention, by full name, all aliases, address, telephone number, e-mail address, and website URL all persons, including plaintiffs, who have personal knowledge of facts relating to each of those contentions.

ANSWER: Objection. This interrogatory is overbroad and burdensome in that it asks Plaintiffs to identify *all persons*, without limitation, who have knowledge of the contention that the statutes are not narrowly tailored or are overbroad.

Without waiving this objection, ASMP provides the following information:

Victor Perlman, ASMP's general counsel and managing director, and some of ASMP's members whose work depicts sexually explicit conduct have personal knowledge of the facts relating to Plaintiffs' contentions that the statutes and regulations are not narrowly tailored as applied to ASMP's members and are overbroad.

employ to ascertain or verify the ages of those persons.

ANSWER: Our members never photograph minors in sexual conduct. We advise all of our members to obtain model releases for any person they photograph. We provide the following tutorial on our website.

<https://asmp.org/tutorials/property-and-model-releases.html>

Some members use model release forms requiring the model to attest that he or she is over 18 years of age. Our members use a common sense approach and require a photo ID to verify that a model is an adult if there is any question about his or her age—whether the photo depicts sexual conduct or not. They also secure model releases from parents on a minor’s behalf for any photo taken of a minor. For photography depicting sexual imagery, our members obtain copies of photo identification in compliance with 18 U.S.C. §§ 2257, 2257A.

INTERROGATORY NO. 9: If you (and/or, for an organizational plaintiff, your members) have produced visual depictions of actual or simulated sexually-explicit conduct subject to the requirements of 18 U.S.C. §§ 2257 or 2257A that portray persons in any of the following age groups engaged in actual or simulated sexually-explicit conduct, identify for each such age group whether the total number of such depictions (where each film, videotape, photograph, or digital image constitutes a single depiction but not including multiple copies, duplicates, scenes within a single film or video, or edited or reformatted versions of the same depiction) is (a) greater than zero, (b) greater than five, (c) greater than ten, (d) greater than twenty, (e) greater than fifty, (f) greater than one hundred, or (g) greater than one thousand.

i. 18-25

ii. 26-35

iii. 36-45

iv. 46-55

v. 56-65

vi. over 65

ANSWER: Objection. This interrogatory is vague and unduly burdensome. Without waiving this objection, based on available information, ASMP provides the following answer:

Hundreds of our members take photographs of the nude human body and sexual conduct. Given that fact, I believe that there are more than 1,000 images in each of the age categories designated above.

INTERROGATORY NO. 10: With respect to each statutory and/or regulatory requirement of 18 U.S.C. §§ 2257 or 2257A or their implementing regulations (identified by specific subsection, or by section if the section contains no subsections) that you contend either is not narrowly tailored as applied to you (and/or, for an organizational plaintiff, your members) or is overbroad, state, per such requirement, each and every fact upon which you rely to support your contention.

ANSWER: The recordkeeping and labeling requirements and penalty provision of 18 U.S.C. § 2257 (a)-(f); (i); the recordkeeping and labeling requirements and penalty provision of 18 U.S.C. § 2257A (a)-(f); (i) and 28 C.F.R. §§ 75.2, 75.3, 75.4, 75.5, 75.6, 75.8 implementing the statutory recordkeeping, labeling, and inspection requirements are not narrowly tailored, are overbroad, and impose unconstitutional burdens on ASMP's members' expression.

Almost all of ASMP's members are one or two-person operations. Not only do they produce photographic images, but they are responsible for the administrative and financial obligations attendant to running a business. The additional burdens meted out by 18 U.S.C. §§ 2257, 2257A and their implementing regulations are particularly difficult for them to fulfill. Photojournalists who are on the road for months at a time are simply unable to maintain and categorize the records as the statutes and regulations require. The regulatory provision requiring our members who do not maintain regular business hours to identify when their records are available for inspection, which in no case can be less than 20 hours per week, throughout the entire year, requires them to be forever in proximity to their records or face criminal sanction. The statutes exact enormous demands on ASMP's members that restrict and chill their expression.

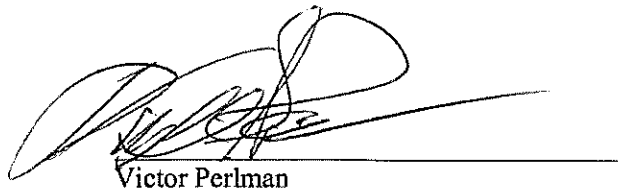
ASMP reserves its right to supplement its answer with additional facts as discovery progresses.

INTERROGATORY NO. 11: With respect to each statutory and/or regulatory requirement that you identified in response to Interrogatory Number 10 and that you contend is not narrowly tailored as

DECLARATION

I, Victor Perlman, declare under penalty of perjury that I have read the answers to Defendant Holder's First Set of Interrogatories and that the answers are true as I verily believe.

Oct. 9, 2012
DATE


Victor Perlman

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FREE SPEECH COALITION, INC. et al.,	)	Civil Action No. 2:09-4607
)	
Plaintiffs,	)	Judge Michael M. Baylson
)	
v.)	
	)	PLAINTIFF DAVID CONNERS'
THE HONORABLE ERIC H. HOLDER, JR.,	)	ANSWERS AND RESPONSES
Attorney General,	)	TO DEFENDANT'S FIRST
	)	SET OF INTERROGATORIES AND
Defendant.	)	REQUESTS FOR PRODUCTION

I. INTERROGATORIES

Pursuant to Fed. R. Civ. P. 33, each plaintiff is hereby requested to answer, separately from other plaintiffs (or to the extent all plaintiffs' answers to any Interrogatory are identical, separately signed and sworn), each of the following interrogatories separately and fully in writing under oath, and to provide responses by electronic mail to defendant's undersigned counsel by the applicable deadline. If any interrogatory cannot be answered fully, it should be answered to the extent possible, with the reasons explained for not answering more fully. In responding to these interrogatories, type out each question before your answer.

INTERROGATORY NO. 1: Identify by full name, all aliases, address, telephone number, e-mail address, and website URL each person who provided information used or relied on in responding to these Interrogatories.

ANSWER: David C. Connors aka Dave Cummings
3969 Mahaila Avenue, #111
San Diego, California 92122
davec@san.rr.com;dave@davecumming.com
www.davecumming.com
www.davecumming.tv
with the assistance of counsel

ANSWER: See answer to Interrogatory No. 7.

INTERROGATORY NO. 9: If you (and/or, for an organizational plaintiff, your members) have produced visual depictions of actual or simulated sexually-explicit conduct subject to the requirements of 18 U.S.C. §§ 2257 or 2257A that portray persons in any of the following age groups engaged in actual or simulated sexually-explicit conduct, identify for each such age group whether the total number of such depictions (where each film, videotape, photograph, or digital image constitutes a single depiction but not including multiple copies, duplicates, scenes within a single film or video, or edited or reformatted versions of the same depiction) is (a) greater than zero, (b) greater than five, (c) greater than ten, (d) greater than twenty, (e) greater than fifty, (f) greater than one hundred, or (g) greater than one thousand.

i. 18-25

ii. 26-35

iii. 36-45

iv. 46-55

v. 56-65

vi. over 65

ANSWER: Objection. This interrogatory is vague and burdensome. Without waiving this objection, I am providing the following information regarding visual depictions I produced, subject to 18 U.S.C. §§ 2257 or 2257A, to the best of my ability. I believe it is complete, but because of the volume of the number of scenes and documentation and the vagueness of this question as applied to videos composed of a number of scenes filmed at separate times, it may not be precise, but provides a very close approximation.

For each of the following age categories, the number of performers appearing in videos I've produced are as follows:

- i. 18-25: 101
- ii. 26-35: 85
- iii. 36-45: 24
- iv. 46-55: 4
- v. 56-65: 2
- vi. Over 65: 1

The following is the information for each of the films that I've produced. Each film is made of up scenes that were filmed at different times. I appeared in each film that I made over the course of more than a decade. I began making films when I was 55 years old and continued making them until I was 68. So depending on the time period when the scenes were produced for my films, I either fell into the category of 46-55, 56-65 or over 65. The information for the other performers appearing in the films is as follows:

Dirty Dave's Sugar Daddy #1

18-25 : 2
26-35 : 1
36-45 : 1

Dirty Dave's Sugar Daddy #2

18-25 : 4
26-35 : 2
36-45 : 1

Dirty Dave's Sugar Daddy #3

18-25 : 1
26-35 : 5
36-45 : 1

Dirty Dave's Sugar Daddy #4

18-25 : 7
26-35 : 4

Dirty Dave's Sugar Daddy #5

18-25 : 3
26-35 : 6
36-45 : 1
46-55 : 1

Dirty Dave's Sugar Daddy #6

18-25 : 7
26-35 : 2
36-45 : 1

Dirty Dave's Sugar Daddy #7

18-25 : 4

26-35 : 3

36-45 : 2

Dirty Dave's Sugar Daddy #8

18-25: 3

26-35: 7

36-45: 3

46-55 :1

Dirty Dave's Sugar Daddy #9

18-25: 4

26-35: 3

36-45: 1

Dirty Dave's Sugar Daddy #10

18-25: 5

26-35: 3

36-45: 1

Dirty Dave's Sugar Daddy #11

18-25: 4

26-35: 3

36-45: 1

Dirty Dave's Sugar Daddy #12

18-25: 5

26-35: 4

36-45: 1

Dirty Dave's Sugar Daddy #13

18-25: 4

26-35: 3

36-45: 1

Dirty Dave's Sugar Daddy #14

18-25: 4

26-35: 4

Dirty Dave's Sugar Daddy #15

18-25: 4

26-35: 5

Dirty Dave's Sugar Daddy #16

18-25: 6

26-35: 3

Dirty Dave's Sugar Daddy #17

18-25: 3

26-35: 4

36-45: 1

Dirty Dave's Sugar Daddy #18

18-25: 7

26-35: 2

Dirty Dave's Sugar Daddy #19

18-25: 3

26-35: 4

36-45: 1

46-55: 1

Dirty Dave's Sugar Daddy #20

18-25: 7

26-35: 4

Dirty Dave's Sugar Daddy #21

18-25: 2

26-35: 6

56-65: 1

Dirty Dave's Sugar Daddy #23

18-25: 4

26-35: 4

36-45: 1

56-65: 1

Dirty Dave's Sugar Daddy #24

18-25: 4

26-35: 5

36-45: 1

56-65: 1

Knee Pad Nymphos #1

18-25: 6

26-35: 5

36-45: 1

Knee Pad Nymphos #2

18-25: 5

26-35: 6

Knee Pad Nymphos #3

18-25: 6

26-35: 4

36-45: 1

Knee Pad Nymphos #4

18-25: 9

26-35: 1

36-45: 2

Knee Pad Nymphos #5

18-25: 4

26-35: 4

36-45: 2

Knee Pad Nymphos #6

18-25: 6

26-35: 4

Knee Pad Nymphos #7

18-25: 3

26-35: 5

36-45: 4

Knee Pad Nymphos #8

18-25: 4

26-35: 5

36-45: 1

Knee Pad Nymphos #9

18-25: 7

26-35: 3

36-45: 1

Knee Pad Nymphos #10

18-25: 3

26-35: 4

36-45: 1

Sex Fun #1

18-25: 3

26-35: 5

36-45: 2

Sex Fun #2

18-25: 2

26-35: 6

46-55: 1

Sex Fun #3

18-25: 2

26-35: 5

Sex Fun #4

18-25: 5

26-35: 1

36-45: 3

Sex Fun #5

18-25: 7

Sex Fun #6

18-25: 4

26-35: 4

56-65: 1

Sex Fun #7

18-25: 1

26-35: 3

56-55: 1

Sex Fun #8

18-25: 4

26-35: 3

36-45: 1

56-65: 1

Sex Fun #9

18-25: 5

26-35: 2

56-65: 1

Unreleased scenes

18-25: 2

26-35: 1

36-45: 5

46-55: 1

INTERROGATORY NO. 10: With respect to each statutory and/or regulatory requirement of 18 U.S.C. §§ 2257 or 2257A or their implementing regulations (identified by specific subsection, or by section if the section contains no subsections) that you contend either is not narrowly tailored as applied to you (and/or, for an organizational plaintiff, your members) or is overbroad, state, per such requirement, each and every fact upon which you rely to support your contention.

ANSWER: The recordkeeping and labeling requirements and penalty provision of 18 U.S.C. § 2257 (a)-(f); (i); the recordkeeping and labeling requirements and penalty provision of 18 U.S.C. § 2257A (a)-(f); (i) and 28 C.F.R. §§ 75.2, 75.3, 75.4, 75.5, 75.6, 75.8 implementing the statutory recordkeeping, labeling, and inspection requirements are not narrowly tailored, are overbroad, and impose unconstitutional burdens on my expression.

I am vigorously opposed to the use of underage performers in adult films and therefore have actively employed measures to make sure that the performers in my films are adults. I believe the same is true of the adult film producers with whom I have worked. The statutes are, therefore, not narrowly tailored as applied to me to prevent the appearance of minors in sexually explicit visual depictions in that they impose burdensome and demanding requirements that require me to create and categorize numerous records and require me to remain in proximity to the records that I already create as a matter of course at least 20 hours per week under the statutory and regulatory inspection regime.

As a result of these requirements, I have stopped producing adult films, but under the regulations, I must still remain available at least 20 hours per week because I am required to maintain the records for five years after I cease production. This has created a particular hardship in scheduling medical appointments and in fulfilling my responsibilities as part of the Patriot Guard. The statutes and regulations are not narrowly tailored to advance an interest in protecting children but as applied to my work, restrict protected expression depicting adults.

I maintain the requisite records in my home, making me subject to warrantless inspections there.

Also, the statutes and regulations impose their burdens on a vast amount of protected expression depicting mature adults that is in no way associated with child pornography. See answer to Interrogatory No. 12.

I reserve the right to supplement my answer with additional facts as discovery progresses.

DECLARATION

I, David Conners, declare under penalty of perjury that I have read the answers to Defendant Holder's First Set of Interrogatories and that the answers are true as I verily believe.

OCT 3, 2012
DATE

David Conners
David Conners

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FREE SPEECH COALITION, INC. et al.,	)	Civil Action No. 2:09-4607
)	
Plaintiffs,	)	Judge Michael M. Baylson
)	
v.)	
	)	PLAINTIFFS BETTY DODSON'S AND
THE HONORABLE ERIC H. HOLDER, JR.,	)	CARLIN ROSS'S ANSWERS AND
Attorney General,	)	RESPONSES TO DEFENDANT'S FIRST
	)	SET OF INTERROGATORIES AND
Defendant.	)	REQUESTS FOR PRODUCTION

I. INTERROGATORIES

Pursuant to Fed. R. Civ. P. 33, each plaintiff is hereby requested to answer, separately from other plaintiffs (or to the extent all plaintiffs' answers to any Interrogatory are identical, separately signed and sworn), each of the following interrogatories separately and fully in writing under oath, and to provide responses by electronic mail to defendant's undersigned counsel by the applicable deadline. If any interrogatory cannot be answered fully, it should be answered to the extent possible, with the reasons explained for not answering more fully. In responding to these interrogatories, type out each question before your answer.

INTERROGATORY NO. 1: Identify by full name, all aliases, address, telephone number, e-mail address, and website URL each person who provided information used or relied on in responding to these Interrogatories.

ANSWER: Betty Dodson and Carlin Ross
121 Madison Ave 12B
NY, NY 10016
212-679-5667
www.dodsonandross.com
www.bettydodson.com
with the assistance of counsel

INTERROGATORY NO. 8: If you (and/or, for an organizational plaintiff, your members) restrict those persons that appear in visual depictions that you or your members produce of actual or simulated sexually-explicit conduct subject to the requirements of 18 U.S.C. §§ 2257 or 2257A based on age, identify all procedures that you and/or your members have employed or currently employ to ascertain or verify the ages of those persons.

ANSWER: We request a copy of a passport or driver's license (photo ID) to ascertain age for all our films. With respect to the genital art gallery, Betty never asked for photo id because images of genitals weren't subject to the requirements of 2257 until recently. Now, we ask for photo id for all submissions. You can tell from looking at the images that the individuals are of majority. Plus Betty asks each person submitting images to write an essay about their sexual history which includes their age.

INTERROGATORY NO. 9: If you (and/or, for an organizational plaintiff, your members) have produced visual depictions of actual or simulated sexually-explicit conduct subject to the requirements of 18 U.S.C. §§ 2257 or 2257A that portray persons in any of the following age groups engaged in actual or simulated sexually-explicit conduct, identify for each such age group whether the total number of such depictions (where each film, videotape, photograph, or digital image constitutes a single depiction but not including multiple copies, duplicates, scenes within a single film or video, or edited or reformatted versions of the same depiction) is (a) greater than zero, (b) greater than five, (c) greater than ten, (d) greater than twenty, (e) greater than fifty, (f) greater than one hundred, or (g) greater than one thousand.

i. 18-25

ii. 26-35

iii. 36-45

iv. 46-55

v. 56-65

vi. over 65

ANSWER: We are unable to provide the data for the many images produced throughout the years. All our expression depicts people over the age of 18 and the great majority of them are clearly mature adults. For instance, the age range of the persons appearing in the DVDs listed in response to Interrogatory No. 5 is as follows:

Selfloving: 28 - 60
Celebrating Orgasm: 26 - 62
Viva La Vulva: 25 - 68
Orgasmic Women: 20 - 52
The Orgasm Dr.: 25 - 40

Images on the Genital Art Gallery were submitted by people ranging from 20 years of age to 83 years of age.

INTERROGATORY NO. 10: With respect to each statutory and/or regulatory requirement of 18 U.S.C. §§ 2257 or 2257A or their implementing regulations (identified by specific subsection, or by section if the section contains no subsections) that you contend either is not narrowly tailored as applied to you (and/or, for an organizational plaintiff, your members) or is overbroad, state, per such requirement, each and every fact upon which you rely to support your contention.

ANSWER: The recordkeeping and labeling requirements and penalty provision of 18 U.S.C. § 2257 (a)-(f); (i); the recordkeeping and labeling requirements and penalty provision of 18 U.S.C. § 2257A (a)-(f); (i) and 28 C.F.R. §§ 75.2, 75.3, 75.4, 75.5, 75.6, 75.8 implementing the statutory recordkeeping, labeling, and inspection requirements are not narrowly tailored, are overbroad, and impose unconstitutional burdens on my expression.

We host a website that addresses issues of sexuality and genitalia. Among other things, the website includes a “genital art gallery,” the purpose of which is to help adult men and women work through shame related to the look of their genitalia, by providing a forum for individuals to post images of and essays about their genitalia and to do so anonymously. It is also an important means for Dodson to collect data for her research studying the variations in male and female genitalia. The Genital Art Gallery allowed adults to submit photos of their genitalia, anonymously. When the law was changed to apply to depictions of genitals, we were forced to eliminate roughly 2,000 images of genitalia submitted by adults to the gallery for because we could not secure the necessary photo identification to allow the publication of this expression. Moreover, once we began requiring people to submit photo identification in order to submit their photos to our gallery, submissions dropped off substantially.

DECLARATION

I, Betty Dodson, declare under penalty of perjury that I have read the answers to Defendant Holder's First Set of Interrogatories and that the answers are true as I verily believe.

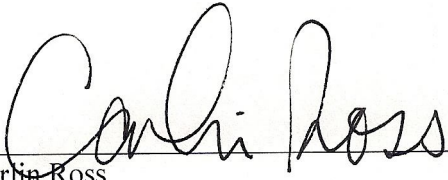
10/12/12
DATE

Betty Dodson
Betty Dodson

DECLARATION

I, Carlin Ross, declare under penalty of perjury that I have read the answers to Defendant Holder's First Set of Interrogatories and that the answers are true as I verily believe.

10/12/12
DATE


Carlin Ross

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FREE SPEECH COALITION, INC. et al.,	)	Civil Action No. 2:09-4607
)	
Plaintiffs,	)	Judge Michael M. Baylson
)	
v.)	
	)	PLAINTIFF FREE SPEECH
	)	COALITION'S
THE HONORABLE ERIC H. HOLDER, JR.,	)	ANSWERS AND RESPONSES
Attorney General,	)	TO DEFENDANT'S FIRST
	)	SET OF INTERROGATORIES AND
Defendant.	)	REQUESTS FOR PRODUCTION

I. INTERROGATORIES

Pursuant to Fed. R. Civ. P. 33, each plaintiff is hereby requested to answer, separately from other plaintiffs (or to the extent all plaintiffs' answers to any Interrogatory are identical, separately signed and sworn), each of the following interrogatories separately and fully in writing under oath, and to provide responses by electronic mail to defendant's undersigned counsel by the applicable deadline. If any interrogatory cannot be answered fully, it should be answered to the extent possible, with the reasons explained for not answering more fully. In responding to these interrogatories, type out each question before your answer.

INTERROGATORY NO. 1: Identify by full name, all aliases, address, telephone number, e-mail address, and website URL each person who provided information used or relied on in responding to these Interrogatories.

ANSWER: Jeffrey Douglas
Jeffrey J. Douglas, A Professional Corporation
1717 Fourth Street, Third Floor
Santa Monica, CA 90401-3319
310.576.3411
310.576-3408 fx
jjdxxx1@gmail.com

once discovery is complete and in compliance with the discovery scheduling order, the court's standing order, and the applicable rules of procedure.

INTERROGATORY NO. 5: If you contend that you (and/or, for an organizational plaintiff, any of your members) are a primary producer of one or more matters containing visual depictions of actual or simulated sexually-explicit conduct subject to the requirements of 18 U.S.C. §§ 2257 or 2257A, identify by title, date of creation, date of publication, publisher, URL, distributor, and location a representative sample of ten such matters containing such visual depictions that you and/or your members have produced (or, if the total number that you and/or your members have produced is less than ten, all such matters containing such visual depictions that you and/or your members have produced) and state whether the sexually-explicit conduct in the depictions in each of these matters was actual or simulated or both.

ANSWER: Objection. This interrogatory is vague and confusing as propounded to Free Speech Coalition. The Coalition is made up of 750 members who are engaged in numerous aspects of the adult industry, including but not limited to producing adult films, performing in adult films, operating adult websites, selling and distributing adult products, the producing, and selling, and distributing of adult magazines. Therefore, it is not possible to provide ten representative samples of the vast range of expression that FSC's members produce. Without waiving this objection, FSC states that the materials identified by Plaintiffs David Connors, Mary Levine and Sinclair Institute, all of whom are members of the Free Speech Coalition, in response to Interrogatory No. 5 serve as examples of visual depictions produced by our members.

Plaintiff Free Speech Coalition reserves the right to supplement this answer.

INTERROGATORY NO. 6: If you contend that 18 U.S.C. §§ 2257, 2257A, and/or their implementing regulations are not narrowly tailored as applied to you (and/or, for an organizational plaintiff, your members), or are overbroad, identify, per contention, by full name, all aliases, address,

INTERROGATORY NO. 9: If you (and/or, for an organizational plaintiff, your members) have produced visual depictions of actual or simulated sexually-explicit conduct subject to the requirements of 18 U.S.C. §§ 2257 or 2257A that portray persons in any of the following age groups engaged in actual or simulated sexually-explicit conduct, identify for each such age group whether the total number of such depictions (where each film, videotape, photograph, or digital image constitutes a single depiction but not including multiple copies, duplicates, scenes within a single film or video, or edited or reformatted versions of the same depiction) is (a) greater than zero, (b) greater than five, (c) greater than ten, (d) greater than twenty, (e) greater than fifty, (f) greater than one hundred, or (g) greater than one thousand.

i. 18-25

ii. 26-35

iii. 36-45

iv. 46-55

v. 56-65

vi. over 65

ANSWER: Objection. This interrogatory is vague and unduly burdensome. As applied to FSC's members and the films they produce with multiple performers in each film, the interrogatory is confusing and cannot be answered. But without waiving the objection, based on the volume of expression produced by FSC's members, in all likelihood, there are more than one thousand depictions for each category, save perhaps for vi.

INTERROGATORY NO. 10: With respect to each statutory and/or regulatory requirement of 18 U.S.C. §§ 2257 or 2257A or their implementing regulations (identified by specific subsection, or by section if the section contains no subsections) that you contend either is not narrowly tailored as

applied to you (and/or, for an organizational plaintiff, your members) or is overbroad, state, per such requirement, each and every fact upon which you rely to support your contention.

ANSWER: The recordkeeping and labeling requirements and penalty provision of 18 U.S.C. § 2257 (a)-(f); (i); the recordkeeping and labeling requirements and penalty provision of 18 U.S.C. § 2257A (a)-(f); (i) and the 28 C.F.R. §§ 75.2, 75.3, 75.4, 75.5, 75.6, 75.8 implementing the statutory recordkeeping, labeling, and inspection requirements are not narrowly tailored, are overbroad, and impose unconstitutional burdens on my expression.

FSC adopts the answers of FSC members Plaintiffs Connors, Sinclair Institute, and Marie Levine in response to Interrogatory No. 10.

FSC reserves the right to supplement this answer.

INTERROGATORY NO. 11: With respect to each statutory and/or regulatory requirement that you identified in response to Interrogatory Number 10 and that you contend is not narrowly tailored as applied to you (and/or, for an organizational plaintiff, your members), identify, per such requirement, by title, date of creation, date of publication, publisher, URL, distributor, and location a representative sample of ten visual depictions that you and/or your members have produced of actual or simulated sexually-explicit conduct subject to the requirements of 18 U.S.C. §§ 2257 or 2257A that support your claim (or, if the total number that you and/or your members have produced that support your claim is less than ten, all such visual depictions that you and/or your members have produced).

ANSWER: See answer to Interrogatory No. 5.

INTERROGATORY NO. 12: With respect to each statutory and/or regulatory Requirement that you identified in response to Interrogatory Number 10 and that you contend is overbroad, identify, per

requirement, by title, date of creation, date of publication, publisher, URL, distributor, and location a representative sample of one hundred visual depictions of actual or simulated sexually-explicit conduct subject to the requirements of 18 U.S.C. §§ 2257 or 2257A that support your claim (or, if the total number of visual depictions that support your claims is less than one hundred, all such visual depictions).

ANSWER: In addition to the representative samples listed in response to Interrogatory No. 5 and that identified by the other plaintiffs, the following sets forth a representative sample of depictions to which the statutes apply compiled by counsel and support Plaintiffs' claim that the statutes and regulations are overbroad:

There are thousands of sexually explicit videos made by private individuals that are uploaded to tube sites that depict mature adults and/or are displayed by amateur adult webcam sites. See:

1. Title: Xhamster/Mature Porn Videos
URL: <http://xhamster.com/channels/new-matures-1.html>
Date Accessed: September 14, 2012
2. Title: YouJizz/ Mature Porn Tube Videos
URL: <http://www.youjizz.com/search/mature-1.html>
Date Accessed: September 14, 2012
3. Title: XVIDEOS/ grannies videos
URL: <http://www.xvideos.com/tags/grannies>
Date Accessed: September 14, 2012
4. Title: MadThumbs/Newest Mature Videos
URL: <http://www.madthumbs.com/categories/mature>
Date Accessed: September 14, 2012
5. Title: YouPorn/ Mature Sex Porn Tubes
URL: <http://yourporn.com/category/28/mature/>
Date Accessed: September 14, 2012
6. Title: Tnaflix/ Mature Sex Videos
URL: <http://www.tnaflix.com/mature-porn>
Date Accessed: September 14, 2012

7. Title: Spankwire/ Milf Porn Tube

URL: <http://www.spankwire.com/search/straight/keyword/granny>

Date Accessed: September 14, 2012

8. Title: Redtube/ Granny sex videos

URL: <http://www.redtube.com/tag/granny>

Date Accessed: September 18, 2012

9. Title: Porncor/ Mature

URL: <http://porncor.com/search/mature>

Date Accessed: September 20, 2012

10. Title: Boysfood/ Mature Porn

URL: <http://www.boysfood.com/videos/mature/>

Date Accessed: September 20, 2012

11. Title: Yuvutu.com/ Free Porn Videos, Free Amateur Porn, TV Sex Porno XXX

URL: <http://www.yuvutu.com/>

Date Accessed: September 20, 2012

12. Title: Tube8.com/Mature

URL: <http://www.tube8.com/cat/mature/2/>

Date Accessed: September 21, 2012

13. Title: FreeViewMovies/Mature

URL: <http://www.freeviewmovies.com/search/mature/>

Date Accessed: September 21, 2012

14. Title: PornoTube/Grannies

URL: http://www.pornotube.com/media.php?mode=category&category_id=618

Date Accessed: September 21, 2012

15. Title: Empflix/Granny

URL: <http://www.empflix.com/categories/watched-granny-1.html>

Date Accessed: September 21, 2012

16. Title: 3XUpload/ Mature

URL: http://www.3xupload.com/search?search_query=mature&search_type=videos

Date Accessed: September 21, 2012

17. Title: EskimoTube/ Granny

URL: <http://www.eskimotube.com/show.php?tag=%22granny%22>

Date Accessed: September 21, 2012

18. Title: KeezMovies/ Mature

URL: <http://www.keezmovies.com/categories/mature>

Date Accessed: September 21, 2012

19. Title: XNXX/granny

URL: <http://video xnxx.com/tags/granny>

Date Accessed: September 21, 2012

20. Title: ClearClips/ Granny

URL: http://www.clearclips.com/search.php?zoom_query=granny&zoom_per_page=20&x=0&y=0

Date Accessed: September 21, 2012

21. Title: EFUKT/ Granny

URL: <http://www.efukt.com/search/granny/>

Date Accessed: September 21, 2012

22. Title: KoosTube/Mature

URL: <http://www.koostube.com/categories/mature/>

Date Accessed: September 21, 2012

23. Title: AlotPorn/ Grannies

URL: <http://alotporn.com/grannies/>

Date Accessed: September 21, 2012

24. Title: Xtube/Grannies:

URL: http://www.xtube.com/video_search.php?search=grannies

Date Accessed: September 21, 2012

25. Title: Xpeeps/Mature

URL: <http://www.xpeeps.com/webcam/mature-women/>

Date Accessed: September 28, 2012

26. Title: Xpeeps/Granny

URL: <http://www.xpeeps.com/webcam/granny/>

Date Accessed: September 28, 2012

27. Title: Sell Your Sex Tape

URL: <http://www.sellyoursextape.com/tour.html>

Date Accessed: September 25, 2012

28. Title: Pawn Your Sex Tape

URL: <http://www.pawnyoursextape.com/>

Date Accessed: September 25, 2012

29. Title: See My Sex Tapes

URL: www.seemysextapes.com

Date Accessed: September 25, 2012

Additionally, there are numerous adult dating websites and social networks on which mature adult members exchange a multitude of sexually explicit images with one another. Government computer forensic specialist Kristi Witsman accessed tens of thousands of images of mature adults from a single website seven years ago. *Affidavit of Kristi Witsman, Connection Distributing Co. v. Gonzales*, Case No. 95 CV 1993 (U.S. Dist. Ct. N. D. Ohio). See:

1. Title: Alt

URL: <http://alt.com>

Date Accessed: September 21, 2012

2. Title: AdultSpace

URL: <http://adultspace.com>

Date Accessed: September 21, 2012

3. Title: BeNaughty

URL: <http://www.benaughty.com/>

Date Accessed: September 21, 2012

4. Title: SwingerZoneCentral

URL: <http://www.swingerzonecentral.com/>

Date Accessed: September 21, 2012

5. Title: AffairsClub

URL: <http://www.affairsclub.com/>

Date Accessed: September 21, 2012

6. Title: IwantU

URL: <http://www.iwantu.com>

Date Accessed: September 21, 2012.

7. Title: Upforit

URL: <http://www.upforit.com/>

Date Accessed: September 21, 2012

8. Title: DateaCougar

URL: <http://www.dateacougar.com>

Date Accessed: September 21, 2012

9. Title: Hookup

URL: <http://www.hookup.com/>

Date Accessed: September 21, 2012

10. Title: xxxBlackBook

URL: <http://www.xxxblackbook.com>

Date Accessed: September 21, 2012

11. Title: Sexinyourcity

URL: <http://www.sexinyourcity.com/>

Date Accessed: September 21, 2012

12. Title: Amateurmatch

URL: <http://www.amateurmatch.com>

Date Accessed: September 21, 2012

13. Title: Passion

URL: <http://passion.com/>

Date Accessed: September 21, 2012

14. Title: Getiton

URL: <http://getiton.com/>

Date Accessed: September 21, 2012

15. Title: HornyMatches

URL: <http://www.hornymatches.com/>

Date Accessed: September 21, 2012

16. Title: BDSM

URL: <http://bdsm.com/>

Date Accessed: September 21, 2012

17. Title: Ashley Madison

URL: <http://www.ashleymadison.com/>

Date Accessed: September 25, 2012

18. Title: Adult Friend Finder

URL: <http://adultfriendfinder.com/>

Date Accessed: September 25, 2012

19. Title: LetsBang

URL: <http://www.letsbang.com/>
Date Accessed: September 25, 2012

20. Title: NaughtyConnect
URL: <http://www.naughtyconnect.com/>
Date Accessed: September 25, 2012

21. Xhookup
URL: <http://www.xhookups.com/>
Date Accessed: September 25, 2012

22. Adultmatchdoctor
URL: <http://www.adultmatchdoctor.com/>
Date Accessed: September 25, 2012

There are a number of artistic and educational materials that contain depictions of sexually explicit conduct of mature adults. See:

1. Title: Sex in Art
URL: <http://www.sexinart.net/>
Date Accessed: September 25, 2012

2. Title: The Panhandler Project
URL: <http://www.degenevieve.com/panhandler%20media.html>
Date Accessed: September 28, 2012
Publisher: Barbara DeGenieve
Creation: 2004-2206

3. Title: Art Nude Erotic and Bondage Photo Prints
URL: <http://maxim.photoshelter.com/gallery-list>
Date Accessed: September 25, 2012
Publisher: Alex Maxim

4. Title: Fuck-Art
URL: <http://www.brooklynstreetart.com/theblog/2012/02/08/fck-art-opens-wide-at-the-museum-of-sex-not-safe-for-work-or-school/>
Date Accessed: September 25, 2012
Creation: February 8-June 10, 2012
Location: Museum of Sex, 233 5th Avenue, New York, New York 10016

5. Title: The Nu Project
URL: <http://thenuproject.com/>
Date Accessed: September 25, 2012

6. Title: Online Alchemy- The Art of Loren Cameron

URL: <http://www.lorencameron.com/>

Date Accessed :September 25, 2012

7. Title: Sexually Explicit Art “Not Porn,” Arist Says

URL: <http://www.nbclosangeles.com/news/local/Sexually-Explicit-Art-Show-Coagula-Chinatown-Gallery-Mat-Gleason-Tim-Youd-147675875.html>

Date Published: April 16, 2012

Date Accessed: September 28, 2012

8. Title: NIH Under Fire for Grants Toward Creation of Homoerotic Website

URL: <http://www.foxnews.com/politics/2012/04/19/nih-under-fire-for-grants-toward-creation-homoerotic-website/>

Date Published: April 19, 2012

Date Accessed: September 28, 2012

9. Title: JD Dragan Fine Art Photography

URL: <http://www.jddragan.com/>

Date Accessed: September 25, 2012

10. Title: ErosArts

URL: <http://erosartist.com/>

Date Accessed: September 25, 2012

11. Title: *Our Bodies Ourselves*

Author: Judy Norsigian; Boston Women’s Health Book Collective

Date of Publication: October 1, 2011.

12. Title: *Helmut Newton: White Women, Sleepless Nights, Big Nudes*

URL: <http://houston.culturemap.com/newsdetail/07-03-11-big-nudes-controversial-helmut-newton-photo-exhibition-at-mfah-is-a-must-for-fashion-followers/>

Date of Original Exhibit: 7/3/11-9/25/11

See also

http://www.helmut-newton.com/previous_exhibitions/sex_and_landscapes/

<http://www.flavorwire.com/296642/helmut-newtons-stunning-photos-of-sex-and-landscapes#8>

13. Title: Paul Knight: Intimate Couples

URL: <http://www.paulknight.com.au/#intimate-couples>

Date Accessed: September 25, 2012

14. Title: “Davis Wojnarowicz” Digital Imagine and Photography Blog

URL: <http://digitalimagingandphotography.blogspot.com/2010/02/david>

-wojnarowicz.html

Date of Creation: February 16, 2010

Date Accessed: September 15, 2012

15. Title: "Sex: A Tell All Exhibition" at Canada Science and Technological Museum

URL: <http://www.sciencetech.technomuses.ca/english/whatson/2012-sex-a-tell-all-exhibition.cfm>

Date Accessed: September 25, 2012

16. Title: "Candor and Provocation: Photography at the Mindy Solomon Gallery" (documenting several exhibitions at Mindy Solomon's gallery in St. Petersburg, Florida)

URL: http://www.mindysolomon.com/exhibits/ex_explicit_content/index.php

Date Accessed: September 25, 2012

17. Title: NYPH09: Controversial Photographers:

(blog reporting on festival that included sexually explicit photos and videos)

URL: <http://www.heathermorton.ca/blog/?p=2091>

Date Accessed: September 25, 2012

18. Title: FeelmeLA

URL: <http://feelmela.wordpress.com/tag/sex-photography/>

Date Accessed: September 25, 2012

19. Title: Erotic Fine Arts

URL: <http://www.erotic-fine-arts.com/efamain.htm>

Date Accessed: September 25, 2012

20. Title: BikeSmut

URL: <http://www.bikesmut.com/#!albumphotos0=6>

Date Accessed: September 25, 2012

21. Title: David Rolin Pan-Erotic Photographer

URL: http://davidrolin.com/site/#!/the_images/

Date Accessed: September 25, 2012

22. Title: Kevin Loreaux: Erotic Photography:

URL: <http://kevinloreaux.blogspot.com/?zx=f7796b754c8d0635>

Date Accessed: September 25, 2012

23. Title: Raw Art

URL: http://www.newyorker.com/online/2008/01/28/slideshow_080128__currin#slide=1

Date Accessed: September 28, 2012

24. Title: China Hamilton

URL: <http://www.chinahamilton.com/gallery2.html#35>

Date Accessed: September 25, 2012

25. Title: Eroti-Cart The History of Erotic Art

URL: http://www.eroti-cart.com/erotic-paintings-c-27_28

Date Accessed: September 25, 2012

26. Title: Seattle Erotic Art Festival: Recent Photos from Festival Events

URL: <http://www.seattleerotic.org/photography/>

Date Accessed: September 25, 2012

27. Title: AMEA/ World Museum of Erotic Art

URL: <http://www.ameanet.org/michael-hinkle>

Date Accessed: September 25, 2012

28. Title: Erotic Rarities

URL: <http://eroticrarities.com/prints/watercolors.htm>

Date Accessed: September 25, 2012

29. Title: Nude & Erotic Igor Amelkovich Photography

URL: http://photo.net/photodb/folder?folder_id=213527

Date Accessed: September 25, 2012

30. Title: Tom Gallant Gallery

URL: <http://www.juxtapoz.com/Gallery/tom-gallant/tom-gallant-10-32064#tom-gallant-4-32061>

Date Accessed: September 25, 2012

31. Title: Betty Tompkins

URL: http://bettytompkins.com/work_paint.aspx

Date Accessed: September 25, 2012

32. Title: Mark Chester SF Gay Radical Sexual Photographer

URL: <http://markichester.com/fineart.html>

Date Accessed: September 25, 2012

33. Title Tony Ward

URL: <http://www.tonyward.com/xfileframesource.html>

Date Accessed: September 28, 2012

In addition, there are millions of sexually explicit visual depictions that are produced and shared by private individuals using cell phones, computers, and/or digital video cameras as part of intimate communications between them. See:

1. Title: *Nearly 1 in 5 Smartphone users are Sexting:*

(Ten percent of people 55 or older with smart phones have admitted sending sexually explicit phonographs).

URL:http://digitallife.today.com/_news/2012/06/06/12090540-nearly-1-in-5-smartphone-users-are-sexting?lite

Date Accessed: September 25, 2012

Date Created: June 6, 2011

Publisher: Digital Life on Today

2. Title: *Sexting and Sexual Relationships among Teens and Young Adults:*

(Study conducted at Boise State University of students who were 18 years old or older indicated 60% of those surveyed had sent/posted a nude or semi-nude picture of themselves)

URL:http://scholarworks.boisestate.edu/cgi/viewcontent.cgi?article=1091&context=mcnair_journal

Date Accessed: September 25, 2012

3. Title: *Sex and Tech: Results from a Survey of Teens and Young Adults*

(Survey from the National Campaign to Prevent Teen and Unplanned Pregnancy results indicate, among other things, that 33% of young adults (ages 20-26) overall have posted nude or seminude picture or video of themselves. 46 % of young adults had received a nude or semi-nude picture or video someone else.)

URL: http://www.thenationalcampaign.org/sextech/pdf/sextech_summary.pdf

Date Accessed: September 29, 2012

4. Title: *Texting, Sexting, and Attachment in College Students' Romantic Relationships:*

(Study examined sexting among college students in relationships and found that 54% of sample (744 college students) reported sending sexually explicit pictures or videos to their relationship partner.).

Publication: *Computers in Human Behavior* Vol.28 Issue 2 (2012) 444-449

5. Title: *C*U*2nite: Sexting Not Just for Kids*

URL: http://www.aarp.org/relationships/love-sex/info-11-2009/sexting_not_just_for_kids.html

Date Published: November 2009

Publisher: AARP

Date Accessed: September 29, 2012

6. Title: *Demand for Photo Erasing iPhone App Heats Up Sexting Debate*
URL: <http://content.usatoday.com/communities/ondeadline/post/2012/05/demand-for-photo-erasing-iphone-app-heats-up-sexting-debate/1>

Date Created: May 7, 2012

Publisher: USA Today

Date Accessed: September 29, 2012

6. Title: *Top 5 Sexting Blackberry Apps*

URL: <http://n4bb.com/top-5-sexting-blackberry-apps-nsfw/>

Date created: June 22, 2012

Publisher: N4bb.com

Date Accessed: September

7. Title: *The Best (Phone) Sex of Your Life*

URL: <http://gizmodo.com/5615456/the-best-phone-sex-of-your-life>

Author: Debby Herbenick, PhD, MPH

Date Created: August 18, 2010

Publisher: Gizmodo.com

Date Accessed: September 29, 2012

8. Title: *Instaporn: Porn, 'KikSex' Lurk Just Inside Instagram's Photo Eden*

URL: http://www.huffingtonpost.com/2012/08/30/instagram-porn_n_1842761.html

Date Created: August 30, 2012

Publisher: Huffington Post

Date Accessed: September 29, 2012

9. Title: *Chatroulette is 89 Percent Male, 47 Percent American, and 13 Percent Pervert*

URL: <http://techcrunch.com/2010/03/16/chatroulette-stats-male-perverts/>

Date Created: March 16, 2010

Publisher: Techcrunch.com

Date Accessed: September 29, 2012

10. Title: *A Thin Line*

URL: http://www.athinline.org/pdfs/2011-MTV-AP_Digital_Abuse_Study_Full.pdf
(2011 Study from MTV and AP of 724 people ages 18-24 and 631 people ages 14-17 which includes: 21% have received a naked picture on their cellphone, 8% have participated in a webcam chat where someone else performed sexual activities, 3% have posted naked pictures or videos of themselves on a website or social networking site.)

Date Created: September 2, 2011

Date Accessed: September 29, 2012

11. Title: Internet Study of Cybersex Participants

URL: http://www.hawaii.edu/hivandaids/An_Internet_Study_of_Cybersex_Participants.pdf

(Study indicates that a total of 30% of the men and 34% of the women in survey, reported to have had cyber sex.)

Date Created: August 7, 2004

Publisher: Archives of Sexual Behavior

Date Accessed: September 29, 2012

12. Title: *Even Celebs Do it for Attention*

URL: <http://abcnews.go.com/Entertainment/FallConcert/story?id=4034951&page=1>

(Clinical Psychologist says it is more common than most think for couples to make sex tapes. Relationship Expert also says the practice is common especially with social media and tube sites).

Publisher: ABC News

Date of Publication: Dec. 21, 2007

Date Accessed: September 29, 2012

13. Title: *The Rise of Virtual Sex*

URL: <http://au.lifestyle.yahoo.com/marie-claire/all-about-you/sex/article/-/14749001/the-rise-of-virtual-sex/>

(Article estimating that more than a million couples are now using cyber-sex technology.).

Date of Publication: September 4, 2012.

Publication: Yahoo Lifestyle/Marie Claire

14. Title: Mojowijo

URL: <http://www.mojowijo.com/how-to-use/>

Date Accessed: September 29, 2012

15. Title: *The New Pornographers*

URL: <http://www.sandiegomagazine.com/San-Diego-Magazine/February-2011/The-New-Pornographers/>

Date of Publication: February 2011

Publisher: San Diego Magazine

Date Accessed: September 29, 2012

II. REQUESTS FOR PRODUCTION OF DOCUMENTS

Pursuant to Fed. R. Civ. P. 34, each plaintiff is hereby requested to produce, separately from other plaintiffs (or to the extent all plaintiffs' responses to any Request are identical, separately signed and sworn), and under oath the documents or electronically stored information set forth below, and to provide the requested material -- in html format for website content, in Windows Media Player

DECLARATION

I, Jeffrey Douglas, declare under penalty of perjury that I have read the answers to Defendant Holder's First Set of Interrogatories and that the answers are true as I verily believe.

9 November 2012
DATE

Jeffrey D. Douglas
Jeffrey Douglas

DECLARATION

I, Diane Duke, declare under penalty of perjury that I have read the answers to Defendant Holder's First Set of Interrogatories and that the answers are true as I verily believe.

11/9/12
DATE


Diane Duke

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FREE SPEECH COALITION, INC. et al.,	)	Civil Action No. 2:09-4607
)	
Plaintiffs,	)	Judge Michael M. Baylson
)	
v.)	
	)	PLAINTIFF TOWNSEND ENTERPRISES
THE HONORABLE ERIC H. HOLDER, JR.,	)	dba SINCLAIR INSTITUTE'S ANSWERS
Attorney General,	)	AND RESPONSES TO DEFENDANT'S
	)	FIRST SET OF INTERROGATORIES
Defendant.	)	AND REQUESTS FOR PRODUCTION

I. INTERROGATORIES

Pursuant to Fed. R. Civ. P. 33, each plaintiff is hereby requested to answer, separately from other plaintiffs (or to the extent all plaintiffs' answers to any Interrogatory are identical, separately signed and sworn), each of the following interrogatories separately and fully in writing under oath, and to provide responses by electronic mail to defendant's undersigned counsel by the applicable deadline. If any interrogatory cannot be answered fully, it should be answered to the extent possible, with the reasons explained for not answering more fully. In responding to these interrogatories, type out each question before your answer.

INTERROGATORY NO. 1: Identify by full name, all aliases, address, telephone number, e-mail address, and website URL each person who provided information used or relied on in responding to these Interrogatories.

ANSWER: Linda Dian Wilson
Sinclair Institute
402 Millstone Drive
Hillsborough NC 27278
919-732-6005 x236
dianwilson@sinclairinstitute.com
www.sinclairinstitute.com
www.bettersex.com
with the assistance of counsel

based on age, identify all procedures that you and/or your members have employed or currently employ to ascertain or verify the ages of those persons.

ANSWER: Prior to July 27 2006, Sinclair Institute required model releases with name, date of birth and date of photo shoot for all our depictions of simulated sexual conduct but did not require a copy of their ID. After 18 U.S.C. § 2257A was passed by Congress, Sinclair Institute began requiring a current copy of a valid ID showing the models date of birth for every individual who appeared in its photo shoots. Sinclair Institute has *always* required valid copies of proof of age for actors in any film it has made that contains explicit sexual conduct.

It is now standard procedure to keep a copy of ID's on file for anyone appearing in Sinclair Institute's photo shoots in addition for its films. It even has ID's of persons in non-sex roles in our films, including the crew.

INTERROGATORY NO. 9: If you (and/or, for an organizational plaintiff, your members) have produced visual depictions of actual or simulated sexually-explicit conduct subject to the requirements of 18 U.S.C. §§ 2257 or 2257A that portray persons in any of the following age groups engaged in actual or simulated sexually-explicit conduct, identify for each such age group whether the total number of such depictions (where each film, videotape, photograph, or digital image constitutes a single depiction but not including multiple copies, duplicates, scenes within a single film or video, or edited or reformatted versions of the same depiction) is (a) greater than zero, (b) greater than five, (c) greater than ten, (d) greater than twenty, (e) greater than fifty, (f) greater than one hundred, or (g) greater than one thousand.

i. 18-25

ii. 26-35

iii. 36-45

iv. 46-55

v. 56-65

vi. over 65

ANSWER: Objection. This interrogatory is vague and unduly burdensome. It would take an enormous amount of effort to search through our files to compile the information sought by this interrogatory. Without waiving the objection, Sinclair Institute provides the following estimates based on Ms. Wilson's personal knowledge acquired in keeping the records required by the statutes:

10% 18-20 yrs old
30% in their 20's
40% in their 30's
10% over 40
10% over 50

INTERROGATORY NO. 10: With respect to each statutory and/or regulatory requirement of 18 U.S.C. §§ 2257 or 2257A or their implementing regulations (identified by specific subsection, or by section if the section contains no subsections) that you contend either is not narrowly tailored as applied to you (and/or, for an organizational plaintiff, your members) or is overbroad, state, per such requirement, each and every fact upon which you rely to support your contention.

ANSWER: The recordkeeping and labeling requirements and penalty provision of 18 U.S.C. § 2257 (a)-(f); (i); the recordkeeping and labeling requirements and penalty provision of 18 U.S.C. § 2257A (a)-(f); (i) and 28 C.F.R. §§ 75.2, 75.3, 75.4, 75.5, 75.6, 75.8 implementing the statutory recordkeeping, labeling, and inspection requirements are not narrowly tailored, are overbroad, and impose unconstitutional burdens on Sinclair Institute's expression.

The burdens imposed on Sinclair Institute's expression that could in no way be confused with child pornography are immense.

Sinclair Institute began recordkeeping by using paper documents. It had an intricate color coding system and cross-referenced file folders with the titles, the performers, and the printed depiction.

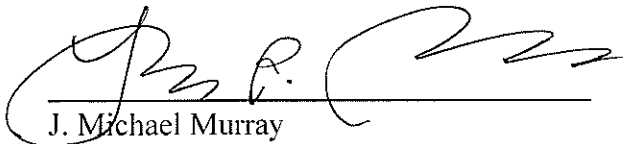
In January 2009, Sinclair Institute began converting and maintaining all its records using an electronic visual library—given the enormous amount of paper and space these files were consuming. The time and effort in converting from paper to an electronic format was huge, but necessary. The conversion cost more than \$12,000.00.

As its catalogue has grown, Sinclair Institute has found the task of complying with the record keeping and labeling requirements to be increasingly burdensome. When

REQUEST NO. 4: All documents or electronically stored information relating to the plaintiffs' alleged costs (and/or, for an organizational plaintiff, the costs of plaintiffs' members) of complying with 18 U.S.C. §§ 2257 and 2257 and their implementing regulations.

RESPONSE: Plaintiff Sinclair Institute will produce documents in its possession responsive to this request.

As to Objections:

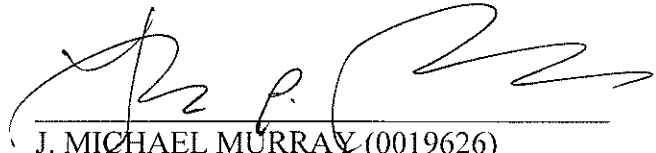


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Attorneys for Plaintiffs

DECLARATION

I, Linda Dian Wilson, declare under penalty of perjury that I have read the answers to Defendant Holder's First Set of Interrogatories and that the answers are true as I verily believe.

Oct 8 2012
DATE

Linda Dian Wilson
Linda Dian Wilson

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FREE SPEECH COALITION, INC. et al.,	)	Civil Action No. 2:09-4607
)	
Plaintiffs,	)	Judge Michael M. Baylson
)	
v.)	
	)	<u>PLAINTIFF TOWNSEND ENTERPRISES</u>
THE HONORABLE ERIC H. HOLDER, JR.,	)	<u>dba SINCLAIR INSTITUTE'S ANSWERS</u>
Attorney General,	)	<u>TO DEFENDANT'S SECOND SET OF</u>
	)	<u>INTERROGATORIES</u>
Defendant.)	

Pursuant to Fed. R. Civ. P. 33, each plaintiff is hereby requested to answer, separately from other plaintiffs (or to the extent all plaintiffs' answers to any Interrogatory are identical, separately signed and sworn), each of the following interrogatories separately and fully in writing under oath, and to provide responses by electronic mail to defendant's undersigned counsel by the applicable deadline. If any interrogatory cannot be answered fully, it should be answered to the extent possible, with the reasons explained for not answering more fully. In responding to these interrogatories, type out each question before your answer.

INTERROGATORY NO. 13: Specify how many hours per week, on average, you or someone assisting you currently spends on the following activities. If you do not currently engage in an activity identified below but have done so in the past, specify how many hours per week, on average, you or someone assisting you spent on that activity in the most recent year in which you engaged in that activity, and specify the year.

a. creating visual depictions of sexually-explicit conduct, excluding any time spent complying with the requirements of 18 U.S.C. §§ 2257 and/or 2257A and their implementing regulations

was conducted pursuant to 18 U.S.C. § 2257 or (b) owned or rented the property at which an inspection was conducted pursuant to 18 U.S.C. § 2257, who contends that the inspection that occurred violates the Fourth Amendment as applied to him or her.

ANSWER: Sinclair Institute has not been subject to an inspection under 18 U.S.C. § 2257. It has no knowledge of any person who observed or was present during an inspection or owned or rented property at which an inspection occurred.

INTERROGATORY NO. 20: For each person identified in response to Interrogatory No. 19, describe in specific detail why that person contends that the inspection that occurred violates the Fourth Amendment as applied to that person.

ANSWER: Not Applicable.

INTERROGATORY NO. 21: For each year since 1988, state the gross revenue you have received from your production of visual depictions of sexually-explicit conduct.

ANSWER: Objection. This interrogatory seeks information that is not relevant to the claims and defenses pertaining to Plaintiffs' constitutional challenges. Moreover, the information it seeks is confidential non-public financial data that is subject to protection as a trade secret.

INTERROGATORY NO. 22: If you contend you are part of an industry, business, profession, or other activity that has practices or standards or operates pursuant to federal or state laws or regulations, other than 18 U.S.C. §§ 2257 and/or 2257A and their implementing regulations, that ensure that individuals appearing in visual depictions of sexually-explicit conduct are adults, identify with specificity the industry, business, profession, or other activity of which you are part, and identify by name, specific citation, and description each and every such practice, standard, state law, federal law, or other regulation.

ANSWER: See Sinclair Institute's answer to Interrogatory No. 8 of Defendant's First Set

TOWNSEND/Sinclair VIDEO SALES - 2005 thru 2009

Year	Units	Sales
2005		
Retail	450,808	9,101,819
Wholesale	497,938	2,230,093
Total	948,746	11,331,912
2006		
Retail	432,825	8,738,399
Wholesale	701,566	2,627,692
Total	1,134,391	11,366,091
2007		
Retail	437,057	7,983,467
Wholesale	414,662	2,026,440
Total	851,719	10,009,907
2008		
Retail	562,826	9,220,533
Wholesale	266,911	1,256,893
Total	829,737	10,477,426
2009		
Retail	511,404	8,376,800
Wholesale	213,897	1,135,026
Total	725,301	9,511,826
GRAND TOTAL	4,489,894	\$ 52,697,162



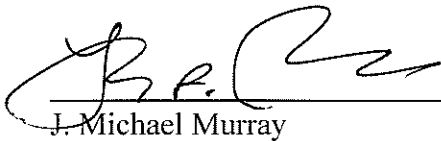
- i. See documentaries at <http://www.irinnews.org/> under Film tab: "Our Bodies, Their Battlegrounds," "Razor's Edge."

"Abused Innocence," <http://www.theeastafrican.co.ke/magazine/Inside-the-tortured-world-of-girls/-/434746/883286/-/view/printVersion/-/130kfomz/-/index.html>


INTERROGATORY NO. 24: In regard to each of Defendant's Requests for Admission to which you have responded other than by admitting the Request (whether by objecting, denying or qualifying your admission), or to which you have failed to respond, explain in specific detail the basis for your refusal to admit without qualification or to respond.

ANSWER: By agreement, our responses to Defendant's First Requests for Admission are not yet due.

As to all Objections:



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Lorraine R. Baumgardner
BERKMAN, GORDON, MURRAY & DeVAN
Attorney for Plaintiffs



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(216) 781-8207 (Facsimile)

Attorneys for Plaintiffs

DECLARATION

I, Linda Dian Wilson, declare under penalty of perjury that I have read the answers to Defendant Holder's Second Set of Interrogatories and that the answers are true as I verily believe.

Jan 11 2013
DATE

Linda Dian Wilson
Linda Dian Wilson